

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY P _____, BURNS P _____, EISBART P _____,
GIAQUINTA P _____, HENRY P _____, REDD P _____,
SCHMIDT P _____, STIER A _____, TALARICO P _____

SPECIAL _____, 19____,

AND PUBLISHED.



The City of Fort Wayne
DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

23 October 1984

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-84-10-10 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of October 1984.

Melvin O. Smith
Secretary

FACT SHEET

Z-84-10-10 (As Amended)

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON**DETAILS****Specific Location and/or Address**

3202 E. State Blvd.

Reason for Project

Construction of a new Hardee's Restaurant.

Discussion (Including relationship to other Council actions)

October 15, 1984 - Public Hearing

Douglas Harden, Director of Development for Hardee's Food Services stated that the property directly north of this request is presently B-1-B and they were requesting that this area be rezoned because they do not feel that the present B-1-B property is large enough to accommodate their proposed development. He stated that they intend to raze the Sunoco Station presently on the property and construct a new building. He stated the property will have a screening fence along the entire south and east side of the property. It will also have an approximate 3 foot elevation grade between the site and the apartments to the south. He stated he had met with Walt Stout, Traffic Engineer to discuss the two existing curb cuts - one on State and one on Hobson - which are practically right at the intersection. He stated that Mr. Stout requested they close those two cuts and place additional or new cuts as far east on State and as far south on Hobson as they could. He stated that they have redone the plan and they can accommodate Mr. Stout's request. He stated that Mr. Stout said they could

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Hardee's Food Systems
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

quote him stating that the development would have no adverse affect on traffic and probably would be beneficial due to the different curb cuts.

David Kiester questioned if Mr. Harden would have any problem with the Staff Analysis' request to include only the north 45 feet of the property in the rezoning.

Mr. Harden stated they did not have a problem with that request.

There was no one present who wished to speak in favor or in opposition to the request.

October 22, 1984 - Business Meeting

The Site Committee recommended DO PASS for the following reasons and with the following conditions:

REASONS:

- 1) This request would allow for redevelopment of an already commercial area which shows signs of deterioration.
- 2) This use is compatible with other uses in the immediate area.

CONDITIONS:

- 1) The area to be rezoned should be reduced to include only the north 45 feet of the original request.
- 2) The use of the remaining property for parking can be accomplished through the Hearing Officer process.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

- 3) Buffering of the property through landscaping, on the south & east.
- 4) Review and relocation of the access points to facilitate safer movement of traffic.
- 5) Storm drainage must be resolved prior to release of project for construction.

Motion was made and carried to recommend DO PASS with conditions.

Project Start Date September 11, 1984

Projected Completion or Occupancy Date October 22, 1984

Fact Sheet Prepared by Date October 23, 1984

Patricia Biancaniello

Reviewed by Date 10/24/84

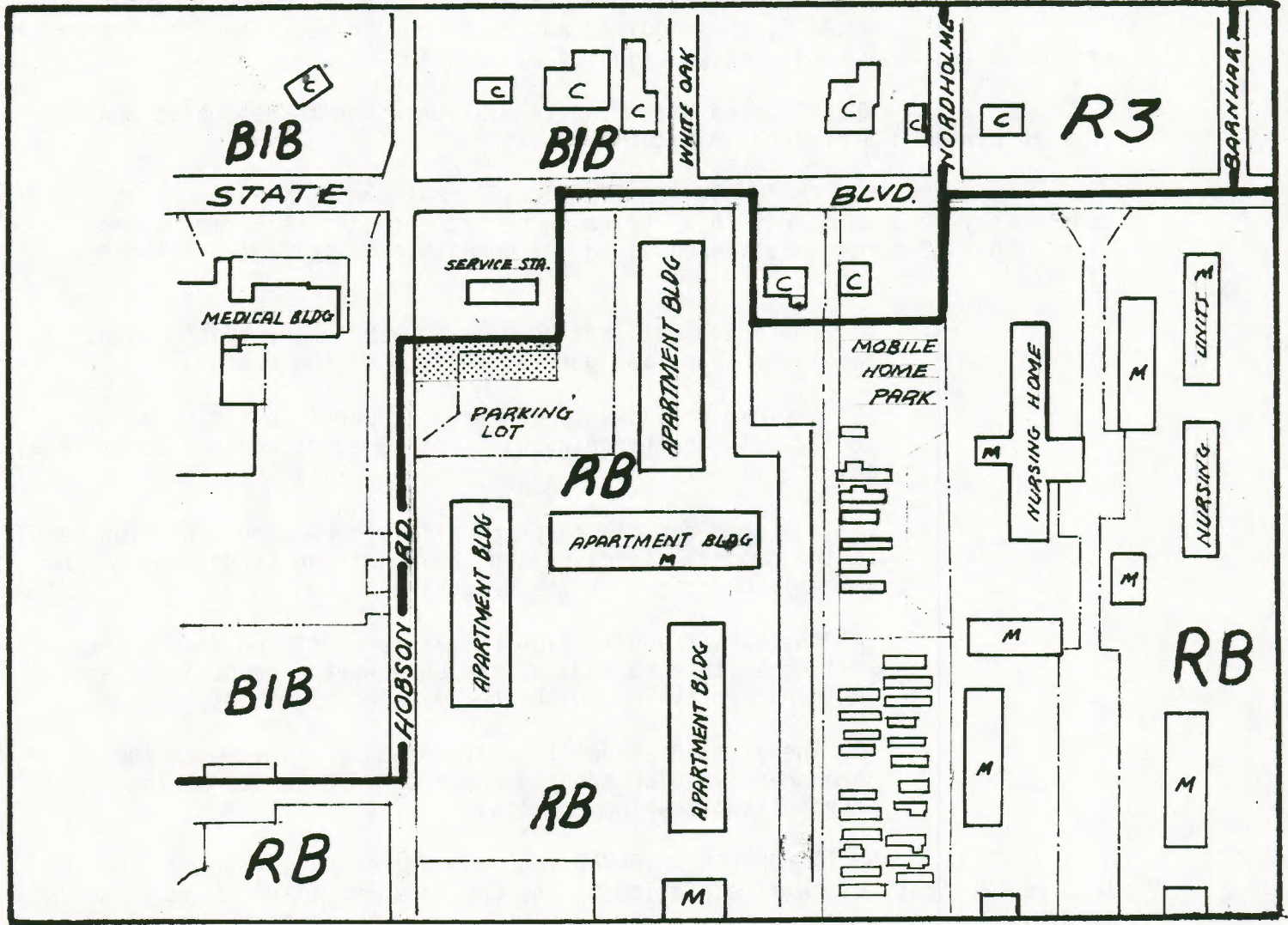
Gary Banta
Reference or Case Number

ZONING PETITION - 98

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A BIB DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



Zoning:

RB RESIDENTIAL DISTRICT
BIB BUSINESS DISTRICT

Land Use:

M MULTIPLE FAMILY
C COMMERCIAL

Z-84-10-10

Scale: 1" = 200'

-21-

Date: 10-11-84



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-10-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1984;

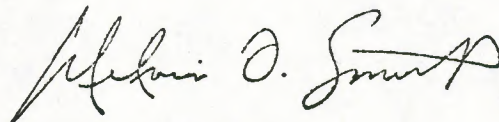
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 22, 1984.

Certified and signed this
22nd day of October 1984.



Melvin O. Smith
Secretary



The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

23 October 1984

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-84-10-09

Certified and signed this
23rd day of October 1984.

Respectfully submitted,

CITY PLAN COMMISSION

Melvin O. Smith
Secretary

FACT SHEET

Z-84-10-09

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON**DETAILS****Specific Location and/or Address**

1322 E. Berry Street

Reason for Project

Auto Repair Service

Discussion (Including relationship to other Council actions)
October 15, 1984 - Public Hearing

Dock Lee, 1005 Southview Drive stated he wished to run an auto repair service out of a garage located on the property, temporarily.

Ben Eisbart questioned if he were the owner of the property.

Mr. Lee stated he was not, his mother-in-law owned the property.

Me1 Smith asked what hours and days he intended to operate.

Mr. Lee stated through the week 8 to 5.

Mr. Smith asked if he intended to do any painting of cars and if so was the building property ventilated for painting.

Mr. Lee stated on occasion he would be painting and that he intened to install a fan.

Mr. Smith questioned what Mr. Lee meant by "temporarily".

Mr. Lee stated that the structure was only a 1½ car garage and he was looking for a larger

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Classie Blevins
City Department

Other

Opponents**Groups or Individuals**

Alfonso Hines

Basis of Opposition

- devalue property in area
- nuisance business in area
- health hazard

**Staff
Recommendation**☐ For☒ Against**Reason Against**

- not compatible use with area
- spot zoning
- adverse impact on area

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for condition)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

structure.

David Kiester questioned what the remainder of the property would be used for.

Mr. Lee stated it would stay a residential use.

Mr. Alfonso Hines, 1319 E. Wayne Street appeared in opposition. Mr. Hines stated he had just built a new home directly behind the property in question. He stated that he and his neighbors have been trying to improve the area and this would devalue the property in the area. He stated that this type of business was a health hazard as well creating a home for rats by allowing junk cars to be located on the property. He presented the Commission with a petition in opposition with 15 area residents signatures.

There was no one present who wished to speak in favor or in opposition to the proposed rezoning.

October 22, 1984 - Business Meeting

Site Committee recommended DO NOT PASS for the following reasons:

Reasons:

- 1) Rezoning would adversely affect the residential integrity of the area.
- 2) Rezoning would not be compatible with established planning principles and policies.
- 3) Rezoning would establish precedent for similar cases.
- 4) Its approval would constitute a spot zone.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Motion was made to recommend DO NOT PASS motion carried.

Project Start

Date August 13, 1984

Projected Completion or Occupancy

Date October 22, 1984

Fact Sheet Prepared by
Patricia Biancaniello

Date October 23, 1984

Reviewed by

Date 10/24/84

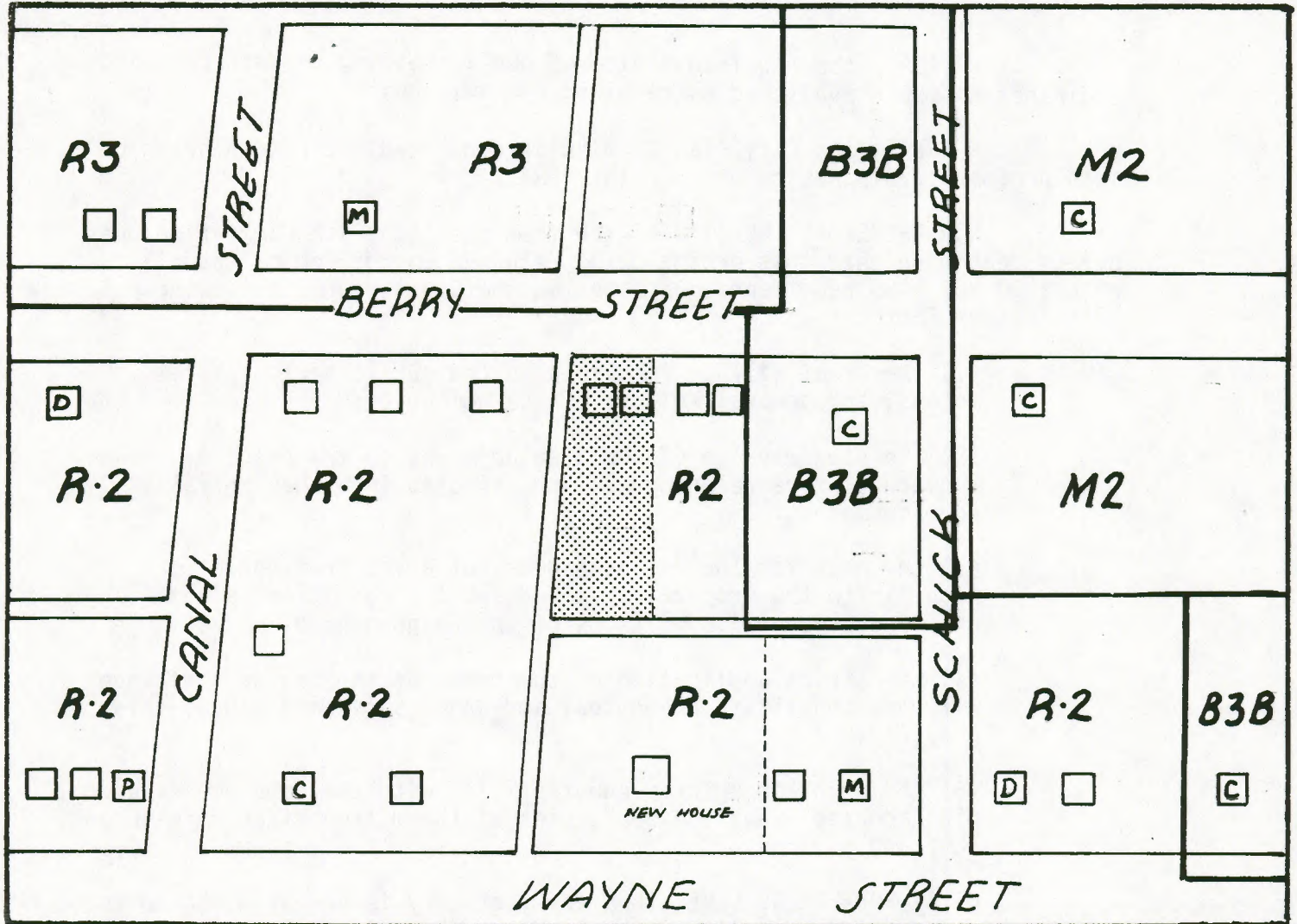
Gary Burt
Reference or Case Number

ZONING PETITION - TV

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO A B3B DISTRICT.

MAP NO. 0-6

COUNCILMANIC DISTRICT NUMBER 1



Zoning:

R-2 RESIDENTIAL DISTRICT
R-3 RESIDENTIAL DISTRICT
B3B BUSINESS DISTRICT
M-2 GENERAL INDUSTRY

Land Use:

□ SINGLE FAMILY
D DUPLEX
M MULTIPLE FAMILY
C COMMERCIAL
P PUBLIC - CHURCH

Z-84-10-09

- 1 -

Scale: 1" = 100'

MAP NO. 0-6

Date: 9-18-84



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-10-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

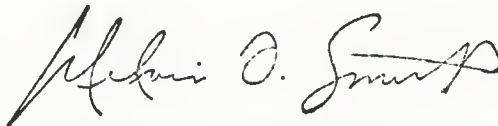
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution heard at the meeting of the Fort Wayne City Plan Commission held October 22, 1984.

Certified and signed this
22nd day of October, 1984.



Melvin O. Smith
Secretary

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 132/84/D
133/84/E
134/84/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Lawrence D. Consalvos".

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 132/84/D
133/84/E
134/84/D)

I hereby certify that I did this 25th day of
October, 1984 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 132/84/D
133/84/E of the Board of Public
134/84/D
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

J. D. Conner
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 132/84/D

(Adopted October 25, 1984)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-102 of said chapter delegates to this Board authority to NO PARKING PASSENGER LOADING
ZONE (DELEGATED)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 24, 1984, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-102 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

October 25, 1984, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING PASSENGER LOADING ZONE (DELEGATED)

Douglas Avenue -- north side -- from 105 feet west of Barr Street to 60 feet west thereof

(Adopted October 25, 1984)

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

(EMERGENCY)

: AND,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

October 25, 19 84, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

~~DELETE: 90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)~~

Leith Street -- both sides -- from Lafayette Street to the 1st
alley west thereof

REGULATORY RESOLUTION NO. 134/84/D

(Adopted October 25, 19 84)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-87 of said chapter delegates to this Board authority to DELETE: NO PARKING (DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 24, 1984, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-87 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

October 25, 19 84, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE: NO PARKING (DELEGATED)

Leith Street -- north side -- from the 1st alley west of Lafayette Street to 40 feet east thereof

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

135/84/E
136/84/E
137/84/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "L. D. Consalvos".

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 135/84/E
136/84/E)
137/84/E

I hereby certify that I did this 30th day of
October, 19 84 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 135/84/E
136/84/E of the Board of Public
137/84/E
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

J. D. Connelley
CHAIRMAN, Board of Public Safety

(Adopted October 30, 1984)

(EMERGENCY)

: AND,

(EMERGENCY)

Creighton Avenue -- south side -- from Euclid Avenue to the first alley east thereof

REGULATORY RESOLUTION NO. 136/84/E

(Adopted October 30, 19 84)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 102/84/E: 90 MINUTE

PARKING 8 A.M. to 6 P.M. (EMERGENCY) & DELETE: 90 MINUTE

PARKING 8 A.M. to 6 P.M. (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated October 29, 19 84, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

October 30, 19 84, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

Wells Street -- east side -- from 85' north of Superior St. to 60' south of Wood Avenue

DELETE:

90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

Wells Street -- east side -- from 85' north of Superior St. to Wood Avenue

REGULATORY RESOLUTION NO. 137/84E

(Adopted October 30, 19 84)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to IMPAIRED MOBILITY PARKING (RESIDENTIAL)

(EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 29, 19 84, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

October 30, 19 84, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1420 Third Street -- north side -- from 365 feet east of Shilling Avenue to a point 20 feet east thereof

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday, the 13th day of November, 1984, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK